

**In the United States District Court
for the Eastern District of Texas
Sherman Division**

Edgefield Holdings, LLC

Plaintiff

v.

Civil Action No. 4:10-cv-00461

Prosperity Bank and T Bancshares Inc.

Defendants.

**Clerk's Notice and Instructions of Post-Judgment
Garnishment to the Judgment Debtor**

You are hereby notified that property owned by you has been garnished by Edgefield Holdings, LLC that holds a court judgment in Case No. 4:10-cv-00461 in the Eastern District of Texas, Sherman Division, in the sum of \$4,403,643.40 plus post-judgment interest for amounts owed under certain guaranties. The full balance remains outstanding.

In addition, you are further notified there are exemptions under the law which may protect some of the property from being taken by Edgefield Holdings, LLC if you can show that the exemptions apply. Below is a summary of the major exemptions which apply may apply:

- (1) current wages for personal services, except to enforce court-ordered child support payments;
- (2) professionally prescribed health aids of a debtor or a dependent of a debtor;
- (3) alimony, support, or separate maintenance received or to be received by the debtor for the support of the debtor or a dependent of the debtor;
- (4) a religious bible or other book containing sacred writings of a religion seized by a creditor other than a lessor of real property exercising the lessor's contractual or statutory right to seize personal property after a tenant breaches a lease agreement for or abandons the real property; and

(5) unpaid commissions for personal services not to exceed 25 percent of the aggregate limitations prescribed by Subsection (a) are exempt from seizure and are included in the aggregate. Tex. Prop. Code § 42.001

(6) unemployment benefits; Tex. Ins. Code § 1108.051; 26 U.S.C. § 6334(a)(4).

(7) wearing apparel and schoolbooks; 26 USC §6334(a), and

(8) fuel, provisions, furniture, and personal effects; 26 USC §6334(a).

(9) books and tools of a trade, business, or profession that do not exceed \$4,560. 26 U.S.C. § 6334(a)(3), (g).

(10) Undelivered mail. 26 U.S.C. § 6334(a)(5).

(11) Certain annuity and pension payments--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, and annuities based on retired, or retainer pay. 26 U.S.C. § 6334(a)(6).

You have a right to ask the Court to return your property if you think one of the above exemptions apply or think you do not owe the money to Edgefield as it says you do, or if you challenge the amount of the debt.

If you want a hearing, you must notify the Court in writing within 20 days after receipt of notice. If you wish, you may use this notice to request the hearing by checking the space at the bottom. You must either mail it or deliver it to the Clerk of the United States District Court, Eastern District of Texas, Paul Brown United States Courthouse, 101 East Pecan Street Room 216, Sherman, Texas 75090. You must also send a copy of your request to the attorney for Edgefield Holdings, LLC, Patricia B. Lehtola, Lehtola & Cannatti, PLLC, 8330 LBJ Freeway, Suite 741, Dallas, Texas 75243. The Court will issue an order advising you of the time, place and date. At the hearing you may explain to the Court why you believe the property Edgefield is taking is exempt or why you think you do not owe the money. If you do not request a hearing, the money will be delivered to the Edgefield Holdings, LLC.

You may use the attached form to claim an exemption and to request a hearing or transfer. Although the Clerk's Notice was issued *ex parte*, your Claim for Exemptions and Request for Hearing and/or Transfer will be publicly filed.

If you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the clerk of the court at the address in the above paragraph. You must also send a copy of your request to Edgefield's attorney, so it will know you want the proceeding to be transferred.

Keep a copy of this notice for your own records. If you have questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice but can refer you to other sources of information.

David A. O'Toole

Clerk of Court, United States District
Court for the Eastern District of Texas

I do want a hearing

I do not want a hearing

Name: _____

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Claim for Exemption and Request for Hearing and/or Transfer

[] I think that the property Garnishee(s) _____ is/are withholding is exempt under the following applicable exemption(s):

_____.

[] I request a [] hearing in this district or a [] transfer to the federal district where I reside in the _____ (district) of _____ (state).

[] I do not request a hearing in this matter.

I understand that this document will be publicly filed.

Date: _____

Defendant-Judgment Debtor, Etzik Gedalia
Address: _____

Telephone: _____

Certificate of Service

I certify that on _____, 2021, I mailed the Claim for Exemptions and Request for Hearing and/or for Transfer, and copies, to:

Original to:

Clerk of the United States District Court,
Eastern District of Texas
Paul Brown United States Courthouse
101 East Pecan Street Room 216
Sherman, Texas 75090

Copies to:

Patricia Beaujean Lehtola
Lehtola & Cannatti, PLLC
8330 LBJ Freeway, Suite 741
Dallas, Texas 75243

Prosperity Bank
Charlotte Rasche
80 Sugar Creek Center Blvd.,
Sugar Land, Texas 77478

T Bancshares Inc.
Patrick Howard
16200 Dallas Parkway #190
Dallas, Texas 75248